

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CMT DEVELOPERS LLC,

Plaintiff,

-v-

US CAPITAL GLOBAL PARTNERS LLC and ISH
SPENCER,

Defendants.
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20-CV-1853 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On March 2, 2020, this action was removed from the Supreme Court of New York, New York County, by Defendants US Capital Global Partners LLC and Ish Spencer. *See* ECF No. 1 (“Notice of Removal”), at 1. Defendants assert that jurisdiction in this Court is proper by reason of diversity of citizenship, pursuant to 28 U.S.C. § 1332. *See id.* ¶ 6. Relying on Plaintiff’s Verified Complaint, Defendants allege that Defendant US Capital Global Partners, LLC and US Capital Holding Corporation, its 100% owner, are incorporated in the State of Delaware and each has its principal place of business located in the State of California. *Id.* ¶ 11. Defendants also allege that Defendant Ish Spencer resides in and is a citizen of the State of California, *id.* ¶¶ 12, and that Plaintiff, a limited liability company (“LLC”), is incorporated in the State of New Jersey and has its principal place of business located in the State of New York, *id.* ¶ 9-10.

It is well established that an LLC is deemed to be a citizen of each state of which its members are citizens. *See, e.g., Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51-52 (2d Cir. 2000). Thus, a notice of removal premised upon diversity of citizenship must allege the citizenship of natural persons who are members of an LLC and the place of incorporation and


principal place of business of any corporate entities that are members of the LLC. *See id.*; *see also, e.g., In re Bank of Am. Corp. Sec., Derivatives, and ERISA Litig.*, 757 F. Supp. 2d 260, 334 n.17 (S.D.N.Y. 2010); *Lewis v. Allied Bronze LLC*, No. 07 Civ. 1621 (BMC), 2007 WL 1299251, at *1-2 (E.D.N.Y. May 2, 2007) (remanding removed action for lack of diversity jurisdiction). In the present case, the Notice of Removal fails to identify each member of CMT Developers, LLC, and so fails to establish complete diversity.

Accordingly, it is hereby ORDERED that, on or before **March 11, 2020**, Defendants shall amend their Notice of Removal to allege the citizenship of each constituent person or entity comprising CMT Developers, LLC (including the residency of any individual member and the state of incorporation and principal place of business of any corporate entity member). If, by that date, Defendants are unable to amend their Notice of Removal to truthfully allege complete diversity of citizenship, then the action will be remanded to the Supreme Court of New York, New York County, without further notice to either party.

Finally, Defendants are directed to, **within two business days of this Order**, serve on Plaintiff a copy of this Order and to file proof of such service on the docket. Counsel for Plaintiff is directed to file a notice of appearance on the docket **within two business days of such service**.

SO ORDERED.

Dated: March 4, 2020
New York, New York



JESSE M. FURMAN
United States District Judge